

STATE OF NEW YORK  
SUPREME COURT-ONONDAGA COUNTY

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LAUREN VALCHINE, INDIVIDUALLY  
AND AS ADMINISTRATOR OF THE  
ESTATE OF PAUL WATKINS

Plaintiffs

-against-

1<sup>ST</sup> AMENDED  
COMPLAINT

COUNTY OF ONONDAGA,  
ONONDAGA COUNTY SHERIFF,  
PROACTIVE HEALTH CARE MEDICINE, PLLC, AND  
NAPHCARE, INC.

Defendants

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Lauren Valchine, individually, as natural representative of Paul Watkins's next of kin, and as Administrator of the Estate of Paul Watkins, states upon information and belief as and for her complaint as follows:

**SUMMARY OF ACTION**

I. This is a negligence and wrongful death action brought by Lauren Valchine, a] in her individual capacity as spouse of Paul Watkins, b] in her capacity as natural representative of Paul Watkins's next of kin, and c] in her capacity as Administrator of the Estate of Paul Watkins. Paul Watkins an inmate in the care, control and custody of Onondaga County and the Onondaga County Sheriff at the Onondaga County Justice Center was entitled to physical and mental health care. Onondaga County and the Onondaga County Sheriff contracted with Proactive Health Care Medicine, PLLC. to provide physical and mental health care to inmates at the Onondaga County Justice Center. Proactive Health Care Medicine, PLLC and NaphCare, Inc. are factually and

legally indistinguishable, or are otherwise agents, one for the other, thereby making Proactive Health Care Medicine, PLLC responsible for the actions of NaphCare, Inc.; and NaphCare, Inc. responsible for the actions of Proactive Health Care Medicine, PLLC. On December 17, 2021, while an inmate still under the care, control, and custody of Onondaga County and the Onondaga County Sheriff, Paul Watkins died due to suicide by asphyxia. [hereafter Paul Watkins is referred to as Decedent. Onondaga County, the Onondaga County Sheriff, Proactive Health Care Medicine, PLLC, and NaphCare, Inc. are jointly and severally referred to as Defendants]

2. This is also an action based on Defendants negligence, gross negligence, and deliberate indifference to Decedent's serious physical and mental health needs.

3. Upon Decedent's admission to the Onondaga County Justice Center and during his incarceration, Defendants failed to evaluate, monitor, and/or treat Decedent's physical and mental health needs.

4. Among other warning signs that Decedent was contemplating self-harm and/or suicide, while an inmate in the Onondaga County Justice Center Decedent made and received telephone calls to and from third persons stating in words and substance that he was going to kill himself. These telephone conversations were monitored, and/or were supposed to be monitored and recorded by Defendants. As warned and promised Decedent committed self-harm by suicide on or about December 16, 2021.

5. Due to Defendants' failures, inattention, and deliberate indifference to Decedent's physical and mental health, Decedent was found by Defendants unresponsive in his cell at the Onondaga County Justice Center on or about December 16, 2021. Decedent passed away from his self-imposed conduct on or about December 17, 2021 while at Upstate University Hospital in Syracuse, New York.

## PARTIES

6. **Plaintiff, Lauren Valchine** is the wife of Decedent. She resides in Baldwinsville, Onondaga County, NY. She brings this action in her individual capacity as Decedent's wife, in her capacity as natural representative of Decedent's next of kin, and in her capacity as Administrator of the Estate of Paul Watkins.

7. At all times relevant hereto, Decedent resided in Onondaga County, NY.

8. At all relevant times relevant hereto, Decedent was over the age of 18.

9. Upon his death, Decedent left dependants, including: a] his wife, Lauren Valchine, and his children, b] Colton Watkins, c] Rosalia Watkins, d] Weston Watkins, e] Makayla Watkins, and f] Nathan Watkins.

10. Plaintiff, Lauren Valchine, is duly authorized to commence this proceeding. She is acting for herself as Decedent's wife, as the natural representative of Decedent's next of kin, and as Administrator of the Estate of Paul Watkins. For purposes of this lawsuit, Limited Letters of Administration in the Estate of Paul Watkins have been issued by the Onondaga County Surrogate's Court to Lauren Valchine . Attached as **Exhibit A** is the Limited Letters of Administration issued on February 10/2022.

11. The Limited Letters of Administration remain in full force and effect.

12. **Defendant, Onondaga County** is a municipal entity organized and existing under the laws of the State of New York, with principal offices located at 421 Montgomery Street, Syracuse, New York 13202.

13. **Defendant, Onondaga County Sheriff** is a Constitutionally created entity organized and existing under the laws of the State of New York, with offices at 407 South State Street, Syracuse, NY.

14. The Onondaga County Justice Center is an inmate holding facility jointly and severally owned, operated, managed, controlled, and/or maintained by Onondaga

County and the Onondaga County Sheriff.

15. At all times relevant hereto, the Onondaga County Sheriff is considered and treated by Onondaga County as an agent and department of Onondaga County; and therefore Onondaga County is responsible for all acts taken and failed to be taken by the Sheriff. At all times relevant hereto, Onondaga County is considered and treated by the Onondaga County Sheriff as his agent, and therefore the Onondaga County Sheriff is responsible for all acts taken and failed to be taken by Onondaga County.

16. **Defendant Proactive Health Care Medicine, PLLC** is a domestic professional service limited liability company registered in the State of New York with a principal place of business located at: 2090 Columbian Road, Suite 4000, Birmingham, Alabama 35216 and doing business within the State of New York. Proactive Health Care Medicine, PLLC is correctional healthcare services provider to Onondaga County, the Onondaga County Sheriff, and/or NaphCare, Inc. Defendant Proactive Health Care Medicine, PLLC, Inc., at all time relevant hereto, was acting as an agent, servant, and/or employee of Onondaga County, the Onondaga County Sheriff, and/or NaphCare, Inc.

17. **Defendant NaphCare, Inc** is a foreign entity registered in the State of New York with a principal place of business located at: 2090 Columbian Road, Suite 4000, Birmingham, Alabama 35216 and doing business within the State of New York. NaphCare, Inc. is correctional healthcare services provider to Onondaga County, the Onondaga County Sheriff, and/or Proactive Health Care Medicine, PLLC. Defendant NaphCare, Inc. at all time relevant hereto, was acting as an agent, servant, and/or employee of Onondaga County, the Onondaga County Sheriff, and/or Proactive Health Care Medicine, PLLC.

18. The Onondaga County Sheriff and Onondaga County were responsible, in whole or in part, for the ownership, management, supervision, and maintenance of the Onondaga County Justice Center, including all staff, agents, employees and contractors, including Proactive Health Care Medicine, PLLC and/or Naphcare, Inc.

19. Onondaga County was responsible for the physical and mental heath care, safety, welfare and supervision of inmates incarcerated at the Onondaga County Justice Center.

20. The Onondaga County Sheriff was responsible for the physical and mental heath care, safety, welfare and supervision of inmates incarcerated at the Onondaga County Justice Center.

21. Proactive Health Care Medicine, PLLC was responsible, either directly or as an agent of NaphCare, Inc, for the physical and mental heath care, safety, welfare and supervision of inmates incarcerated at the Onondaga County Justice Center.

22. NaphCare, Inc was responsible, either directly or as an agent of Proactive Health Care Medicine, PLLC, for the physical and mental heath care, safety, welfare and supervision of inmates incarcerated at the Onondaga County Justice Center.

23. At all times relevant hereto, Onondaga County and/or Onondaga County Sheriff employed, hired and/or retained Proactive Health Care Medicine, PLLC. and/or Naphcare, Inc. Defendants were jointly and severally responsible for overseeing and managing the physical and mental health care of inmates, including Decedent.

24. Onondaga County and the Onondaga County Sheriff are jointly and severally vicariously liable for the acts of Proactive Health Care Medicine, PLLC and NaphCare, Inc. under the doctrine of respondeat superior.

25. Onondaga County and the Onondaga County Sheriffs are vicariously liable for the acts of all employees, agents, staff, representatives, including all Corrections

Officers and Deputy Sheriffs under the doctrine of respondeat superior.

26. On or about March 4, 2022, Aaron Zimmerman, Esq, in his capacity as attorney for Lauren Valchine, individually and as Administrator of the Estate of Paul Watkins served a verified Notice of Claim upon Onondaga County and the Onondaga County Sheriff under New York General Municipal Law § 50-e. No adjustment or payment has been made thereon within thirty (30) days. This action is being commenced within one year and ninety days after the cause of action accrued. Attached as **Exhibit B** is a copy of the Notice of Claim.

27. Defendants failed to notice or otherwise request a New York General Municipal Law § 50-h examination and by their inaction have waived their §50-h rights to an examination.

## FACTS

28. Plaintiffs incorporate, as if more fully set forth herein, all of the factual and legal assertions contained within the Notice of Claim.

29. On or about December 9, 2021 Decedent was arrested by the Onondaga County Sheriff.

30. On of about December 9, 2021 Decedent was “booked” into the Onondaga County Justice Center.

31. From on or about December 9, 2021 until December 17, 2021 Decedent was an inmate at the Onondaga county Justice Center and by that status Decedent was jointly and severally under the exclusive care, control and custody of Onondaga County, the Onondaga County Sheriff, Proactive Health Care Medicine, PLLC, and/or NaphCare, Inc.

32. While Decedent was under the care, control and custody of Defendants,

Defendants jointly and severally failed to provide Decedent with non-negligent physical and/or mental health initial evaluation, monitoring, or care, including the failure to provide counseling and the failure to provide physical or mental health treatment.

33. During the time Decedent was under the care, control and custody of Defendants, Defendants jointly and severally failed to provide Decedent with appropriate ongoing evaluation or treatment of his physical and/or mental health needs.

34. Among other warning signs that Decedent was suicidal, Decedent made calls from the Onondaga County Justice Center to third parties, and received calls from third parties threatening and promising he would kill himself.

35. Decedent's phone calls whether made or received to and from third parties. were monitored, or able to be monitored and recorded by Defendants. Defendants jointly severally failed to properly monitor Decedent's phone calls and failed to take necessary action once Decedent threatened and promised to kill himself or otherwise engage in self-harm.

36. Defendants jointly and severally failed to organize, furnish, and/or otherwise equip Decedent' s cell so that he was unable to access items and devices, including bedding, or apparel, which could be used to commit suicide or other self-harm.

37. Defendants and their agents, jointly and severally, knew or should have known that Decedent was at risk of killing himself, or otherwise at risk of self-harm.

38. Defendants failed to place Decedent on Constant Watch, Suicide Watch and/or otherwise adequately monitor and observe him to prevent self-harm.

39. On or about the evening of December 16, 2021, Defendants failed to engage in reasonable and necessary monitoring of Decedent. At that time, Decedent engaged in acts of self-harm.

40. By the time Defendants observed or otherwise monitored on or about December 16, 2021, Decedent he was lying on the floor unresponsive and unconscious.

41. On or about December 16, 2021, Defendants called for Emergency Medical Services. EMS personnel arrived at the scene. Decedent was transferred via ambulance to Upstate University Hospital. While physically at Upstate University Hospital Decedent was examined.

42. Decedent was declared dead on December 17, 2021 at Upstate University Hospital in Syracuse, New York with an apparent cause of death by suicide

### **AS A FIRST CAUSE OF ACTION AGAINST ONONDAGA COUNTY AND THE ONONDAGA COUNTY SHERIFF**

43. At all times relevant hereto decedent was an inmate of the Onondaga County Justice Center, and was jointly and severally under the exclusive care, control, and custody of Defendants.

44. From the moment of decedent's arrest by an Onondaga County Deputy Sheriff, Defendants jointly and severally had a duty to fully assess, screen, monitor, and evaluate Decedent's physical and mental health.

45. Defendants jointly and severally had an ongoing duty to provide Decedent with health care, including mental health care so as to maintain the safety, health, and well-being of Decedent.

46. At all times relevant to this action, Defendants had a duty to provide non-negligent care necessary to prevent foreseeable harm to Decedent.

47. Defendants were jointly and severally obligated to supervise the acts of all Onondaga County Justice Center support staff, employees, agents, representatives, including all Corrections Officers and Deputy Sheriffs, and all contracted health care personnel employed by Proactive Health Care Medicine, PLLC, and/or NaphCare, Inc.

48. While Decedent was in the custody of Defendants, Defendants and their agents, servants, assigns, and/or employees had a duty to evaluate, supervise, monitor, and safeguard Decedent's well-being and to keep track of his physical whereabouts.

49. At all times relevant to this action, said Defendants were jointly and severally aware, and/or in the exercise of reasonable care, should have been aware of facts, circumstances, comments, and behavior of Decedent that he posed a reasonably foreseeable and objective threat and danger of self-harm.

50. At all times relevant to this action, said Defendants knew of and disregarded the substantial risk of harm that Decedent posed to himself and otherwise failed to take reasonable and/or proper precautions to prevent Decedent from engaging in self-harm.

51. Defendants jointly and severally breached their duty to decedent by:

- a. Failing to adequately supervise Decedent;
- b. Failing to adequately and properly observe Decedent in his cell;
- c. Failing to adequately monitor Decedent's activities while he was an inmate at the Onondaga County Justice Center;
- d. Failing to properly evaluate, assess and/or monitor Decedent's physical and mental health;
- e. Failing to provide Decedent with physical and mental health evaluation, care, and/or treatment;
- f. Failing to adequately perform intake procedures which would inform Defendants and/or their agents, servants, assigns, and/or employees of an individual's physical and mental health history;
- g. Failing to intervene to provide prompt and/or adequate, including physical and mental health treatment to Decedent;
- h. Failing to have a policy, custom, and practice of providing adequate attention and/or treatment to inmates, including Decedent, with medical, physical and/or mental health needs;
- i. Failing to monitor and ensure that Decedent was not engaging in self-

- harm;
- j. Failing to transfer Decedent to a more appropriate incarceration facility and/or more appropriate treatment provider(s);
  - k. Failing to share necessary information with Justice Center personnel so that all relevant Justice Center employees and agents were made aware of the risk of self-harm Decedent posed to himself;
  - m. Failing to organize, furnish, and otherwise equip Decedent's cell so as to ensure he lacked the ability to access any items or devices which could be used to engage in self-harm;
  - n. Failing to adequately staff the Onondaga County Justice Center so as to ensure the officers' and/or contractors' abilities to adequately evaluate, monitor, and supervise Decedent;
  - o. Failing to adequately and properly train, screen, supervise, and/or discipline employees and/or contractors of the Onondaga County Justice Center with respect to the serious physical and mental health needs of Decedent and how to respond to mental and physical health problems exhibited by Decedent;
  - p. Failing to train relevant Onondaga County Justice Center employees and/or contractors who oversaw Decedent's incarceration in identifying and responding to physical and/or mental health needs;
  - q. Failing to evaluate, monitor, and/or supervise Decedent in accordance with internal policy, statewide regulations, and/or other pertinent practices, policies, laws, rules, and/or regulations for monitoring inmates at risk of self-harm in a correctional environment;
  - r. Failing to follow all of Defendants' internal rules and protocols to prevent inmate self-harm, including suicides, and/or suicide attempts;
  - s. Failing to intervene to prevent the Decedent's attempt at self-harm and suicide;
  - t. Failing to promptly respond to prevent individuals who have physical and/or mental health needs from attempting or completing self-harm,

- including suicide;
- u. Failing to provide prompt and/or adequate medical care to individuals who have engaged in acts of self-harm;
  - v. Ignoring or otherwise being deliberately indifferent to indications from Decedent that his physical and/or mental health was disturbed and that he was suicidal and/or in the process of attempting to commit suicide;
  - w. Otherwise failing to act and adequately respond to an inmate such as Decedent who represented a risk of self-harm and suicide;
  - x. Maintaining and developing policies that exhibit deliberate indifference to the safety of inmates, which allow inmates the ability to commit suicide while under the care, custody, control, supervision, and management of the Defendants;
  - y. Failing to adequately monitor security devices so as to become aware of and to prevent Decedent's ability to commit self-harm and suicide;
  - z. Failing to have adequate security devices, such as cameras, in place to monitor inmate activity and prevent inmate self-harm, including suicides;
  - aa. Failing to properly supervise its agents, servants, assigns, and/or employees while said individuals were on duty;
  - bb. Failing to properly document complaints, reports, and/or investigations with regard to inmate safety and act on the same;
  - cc. Negligently failing to report, reprimand, and otherwise discipline improper and/or illegal behavior, including failing to follow statutes, rules, regulations, and/or policy regarding potential inmate self-harm;
  - dd.. Failing to exercise due diligence;
  - ee. Failing to maintain a safe environment for inmates, including providing "suicide smocks," "suicide apparel" and/or "suicide blankets;"
  - ff. Intentionally and/or negligently violating the civil and constitutional rights of Decedent, secured by the Constitutions of the United States and of the State of New York, including the Eighth and Fourteenth Amendments of the United States Constitution and Article I, Sections V and XI of the

New York State Constitution and Section 28 of the New York State Civil Right Law.

52. As a result and a proximate cause of the foregoing, Plaintiff's have suffered damages because of the Defendants negligent actions and negligent omissions to act.

53. As a result of the foregoing, Decedent sustained serious and permanent personal injuries caused while conscious but unable to breath during the process of dying by asphyxiation; related physical pain and emotional suffering; loss of earnings and earning capacity; pre-death conscious physical pain and emotional suffering, mental anguish; and wrongful death.

54. Punitive damages against all Defendants, jointly and severally, are demanded and are warranted under the circumstances.

55. Defendants are not entitled to qualified immunity.

56. As a result of the foregoing, Plaintiffs have been damaged in an amount which exceeds the jurisdictional limits of lower courts of the State of New York which otherwise would have jurisdiction in this action.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST Proactive Health Care Medicine, PLLC AND NAPHCARE, INC.**

57. During the period of time that decedent was in the exclusive care, control and custody of Defendants, Proactive Health Care Medicine, PLLC and/or NaphCare, Inc. were non-governmental, private independent contractors jointly and severally retained and paid by Onondaga County and the Onondaga County Sheriff to provide, oversee, and/or manage the physical and mental health care of inmates in the Onondaga County Justice Center, including the Decedent.

58. The health care personnel employed or otherwise retained by Proactive Health

Care Medicine, PLLC and/or NaphCare, Inc. in connection with their contract, directly and/or through the acts of its agents, servants, assigns, and/or employees, breached the duty owed to Decedent to oversee and manage physical and mental health care of inmates at the Onondaga County Justice Center, including Decedent, had an affirmative duty to provide Decedent with non-negligent, competent, and responsive health care, including physical and mental health assessment, evaluation, monitoring, treatment, and care.

59. Defendant Proactive Health Care Medicine, PLLC, and/or NaphCare, Inc. directly and/or through the acts of its agents, servants, assigns, and/or employees, breached its duty owed to Decedent by:

- a. Failing to adequately supervise Decedent;
- b. Failing to adequately and properly observe Decedent in his cell;
- c. Failing to adequately monitor Decedent's activities while he was an inmate at the Onondaga County Justice Center;
- d. Failing to properly evaluate, assess and/or monitor Decedent's physical and mental health;
- e. Failing to provide Decedent with physical and mental health evaluation, care, and/or treatment;
- f. Failing to adequately perform intake procedures which would inform Defendants and/or their agents, servants, assigns, and/or employees of an individual's physical and mental health history;
- g. Failing to intervene to provide prompt and/or adequate, including physical and mental health treatment to Decedent;
- h. Failing to have a policy, custom, and practice of providing adequate attention and/or treatment to inmates, including Decedent, with medical, physical and/or mental health needs;
- i. Failing to monitor and ensure that Decedent was not engaging in self-harm;

- j. Failing to transfer Decedent to a more appropriate incarceration facility and/or more appropriate treatment provider(s);
- k. Failing to share necessary information with Justice Center personnel so that all relevant Justice Center employees and agents were made aware of the risk of self-harm Decedent posed to himself;
- l. Failing to organize, furnish, and otherwise equip Decedent's cell so as to ensure he lacked the ability to access any items or devices which could be used to engage in self-harm;
- m. Failing to train relevant Onondaga County Justice Center employees and/or contractors who oversaw Decedent's incarceration in identifying and responding to physical and/or mental health needs;
- n. Failing to evaluate, monitor, and/or supervise Decedent in accordance with internal policy, statewide regulations, and/or other pertinent practices, policies, laws, rules, and/or regulations for monitoring inmates at risk of self-harm in a correctional environment;
- o. Failing to follow all of Defendants' internal rules and protocols to prevent inmate self-harm, including suicides, and/or suicide attempts;
- p. Failing to intervene to prevent the Decedent's attempt at self-harm and suicide;
- q. Failing to promptly respond to prevent individuals who have physical and/or mental health needs from attempting or completing self-harm, including suicide;
- r. Failing to provide prompt and/or adequate medical care to individuals who have engaged in acts of self-harm;
- s. Ignoring or otherwise being deliberately indifferent to indications from Decedent that his physical and/or mental health was disturbed and that he was suicidal and/or in the process of attempting to commit suicide;
- t. Otherwise failing to act and adequately respond to an inmate such as Decedent who represented a risk of self-harm and suicide;
- u. Maintaining and developing policies that exhibit deliberate indifference

to the safety of inmates, which allow inmates the ability to commit suicide while under the care, custody, control, supervision, and management of the Defendants;

- x. Failing to adequately monitor security devices so as to become aware of and to prevent Decedent's ability to commit self-harm and suicide;
- y. Failing to have adequate security devices, such as cameras, in place to monitor inmate activity and prevent inmate self-harm, including suicides;
- z. Failing to properly supervise its agents, servants, assigns, and/or employees while said individuals were on duty;
- aa. Failing to exercise due diligence;
- bb. Failing to maintain a safe environment for inmates, including providing "suicide smocks," "suicide apparel" and/or "suicide blankets;"
- cc. Intentionally and/or negligently violating the civil and constitutional rights of Decedent, secured by the Constitutions of the United States and of the State of New York, including the Eighth and Fourteenth Amendments of the United States Constitution and Article I, Sections V and XI of the New York State Constitution and Section 28 of the New York State Civil Right Law. 67. Defendant, Proactive Health Care Medicine, PLLC is vicariously liable under the doctrine of respondeat superior for any of the negligent acts or negligent omissions to act committed by their medical staff, agents, servants, and/or employees.

60. As a result and a proximate cause of the foregoing, plaintiffs suffered damages because of the Defendants foregoing negligent actions and negligent omissions to act committed by Defendants.

61. As a result of the foregoing, Decedent sustained serious and permanent personal injuries, including asphyxiation; physical pain and emotional suffering; loss of earnings and earning capacity; pre-death conscious physical pain and emotional suffering, mental anguish; and wrongful death.

62. Decedent is survived by next of kin, including a wife and minor children.
63. Further, punitive damages against all Defendants are demanded and are warranted and proper under the circumstances.
64. Defendants are not entitled to qualified immunity under the circumstances.
65. Plaintiffs have been damaged in an amount which exceeds the jurisdictional limits of lower courts of the State of New York which otherwise would have jurisdiction in this action.

Dated February 16, 2023



Aaron Zimmerman, Esq.  
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Co-Counsel to Plaintiffs  
3260 Ora gulf Road  
Manlius, NY 13104  
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# Exhibit A

**On the Date Written Below LETTERS are Granted by the Surrogate's Court, State of New York as follows:**

**File #: 2022-18/A**

Name of : **Paul G. Watkins**

Date of Death: **December 17, 2021**

Domicile of : **County of Onondaga**

Fiduciary Appointed: **Lauren E Valchine**  
Mailing Address **8754 Tallwood Ridge  
Baldwinsville NY 13027**

Letters Issued: **LIMITED LETTERS OF ADMINISTRATION**

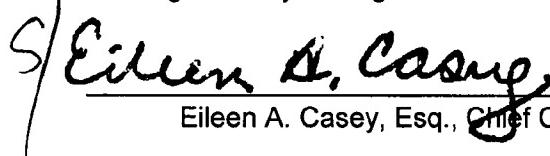
Limitations: **Said administrator(s), in both his/her/their individual and fiduciary capacity/capacities as well as any attorney who represents him/her/them in either capacity/capacities, shall not collect or receive the proceeds from any action instituted or settled pursuant to the authority granted by these letters without the further order of this court or any court of competent jurisdiction pursuant to EPTL 5-4.6**

THESE LETTERS, granted pursuant to a decree entered by the court, authorize and empower the above-named fiduciary or fiduciaries to perform all acts requisite to the proper administration and disposition of the estate/trust of the in accordance with the decree and the laws of New York State, subject to the limitations and restrictions, if any, as set forth above.

**Dated: February 10, 2022**

IN TESTIMONY WHEREOF, the seal of the Onondaga County Surrogate's Court has been affixed.

WITNESS, Hon Mary Keib Smith, Judge of the Onondaga County Surrogate's Court.

  
Eileen A. Casey  
Eileen A. Casey, Esq., Chief Clerk

*These Letters are Not Valid Without the Raised Seal of the Onondaga County Surrogate's Court*

**Attorney:**

**Laurence A. Wangerman**  
333 East Onondaga Street, Suite 4B  
Syracuse NY 13202

At a Surrogate's Court of the State of New York held in and for the County of Onondaga at Syracuse, New York.

PRESENT: Hon. Mary Keib Smith, Surrogate

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**Administration Proceeding, Estate of  
Paul G. Watkins**

**DECREE GRANTING LIMITED  
ADMINISTRATION**

**File No. 2022-18/A**

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**Deceased.**

A verified petition having been filed by Lauren E Valchine praying that administration of the goods, chattels and credits of the above-named decedent be granted to Lauren E Valchine and all persons named in such petition, required to be cited, having been cited to show cause why such relief should not be granted, have either failed to appear in response to a served citation or having waived the issuance of such citation and consented thereto; and it appearing that Lauren E Valchine is in all respects competent to act as administrator of the estate of said deceased; now it is

**ORDERED AND DECREED**, that Limited Letters of Administration issue to Lauren E Valchine upon proper qualification and the filing of a bond be and hereby is dispensed with; and it is further

**ORDERED AND DECREED**, that the authority of such administrator be restricted in accordance with, and that the letters herein issued contain, the limitation(s) as follows:

**Limitations/Restrictions:** Said administrator(s), in both his/her/their individual and fiduciary capacity/capacities as well as any attorney who represents him/her/them in either capacity/capacities, shall not collect or receive the proceeds from any action instituted or settled pursuant to the authority granted by these letters without the further order of this court or any court of competent jurisdiction pursuant to EPTL 5-4.6

DATED: February 10, 2022



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Mary Keib Smith  
Surrogate

**SURROGATE'S COURT  
FILED**

FEB 10 2022

COUNTY OF ONONDAGA  
STATE OF NEW YORK

# Exhibit B

State of New York  
Supreme Court-Onondaga County

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Estate of Paul G. Watkins, and  
Lauren E. Valchine, individually and as natural  
guardian for: Colton Watkins, Rosalia Watkins,  
Weston Watkins, Makayla Watkins, and  
Nathan Watkins

Claimants-Plaintiffs

v

Onondaga County, and  
Onondaga County Sheriff

Respondents-Defendants

Notice of Claim  
GML §50-e  
and  
Proof of Service

**NOTICE OF CLAIM**

Aaron Zimmerman, Esq, being duly sworn does depose and say upon information and belief as follows:

1. This affidavit-claim is being made pursuant to General Municipal Law §50-e.

2. Claimants names and their post office address are:

Estate of Paul G. Watkins  
8754 Tallwood Ridge  
Baldwinsville, NY 13027, and

Lauren E. Valchine, individually and as natural guardian for: Colton  
Watkins, Rosalia Watkins, Weston Watkins, Makayla Watkins, and  
Nathan Watkins  
8754 Tallwood Ridge  
Baldwinsville, NY 13027

3. Claimants' attorneys are:

Aaron Zimmerman, Esq 117 South State Street Syracuse, NY 13202 [T] 315.475.7777 [F] 315.475.4225 az@ZiPiLaw.com	Lawrence A. Wangerman, Esq 3260 Oran Gulf Road Manlius, NY 13104 wangerool@aol.com
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4. Onondaga County, is a New York State municipality which owns, operates, staffs, and otherwise is in control of the facility known as the:

Onondaga County Justice Center  
555 South State Street  
Syracuse, NY 13202.

5. The Onondaga County Sheriff is a New York State Constitutional officer. The Onondaga County Sheriff is invested with the power and responsibility to be Onondaga County's chief police enforcement officer. The Sheriff's powers and responsibilities include the power of arrest and power to incarcerate inmates within the Onondaga County Justice Center. The Sheriff's powers and responsibilities further include staffing, operating, controlling, and overseeing the inmates kept, and housed in the Onondaga County Justice Center.

6. The nature of this claim:

This is a claim based on tort principles, concepts, and theories against Onondaga County and/or the Onondaga County Sheriff; including, but not limited to: negligence-- that is the failure to take an act or acts that should have been taken but was/were not, or, the taking of an act or acts which should not have been taken but was/were taken; negligence in the ownership, operations and control of the Onondaga County Justice Center, negligent hiring of employees agents and servants who were performing activities in and for the Onondaga County Justice Center, failure to properly, competently and timely evaluate incoming and incarcerated

inmates for aberrational activities, signs and/or symptoms, failure to properly, competently and timely evaluate incoming and incarcerated inmates for abnormal activities, signs and/or symptoms of potential self-injury, failure to properly, competently and timely evaluate incoming and incarcerated inmates for abnormal activities, signs and/or symptoms for suicide; failure to properly hire, staff, manage, and supervise the inmates during their stays in the Onondaga County Justice Center; failure to provide adequate food, accommodations, and services for incarcerated inmates, including but limited to clothing, bedding, and facilities that are suicide and self-injury proof; wrongful death; spousal derivative loss of society, services and companionship; loss of education, love and services for decedent's minor children.

7. The time when, place where, and the manner on which the claim arose:

Paul G Watkins [hereafter Decedent] was placed under arrest by a member of the Onondaga County Sheriff's Department on December 9, 2021, in the Town of Cicero. Decedent was thereafter until his death on December 17, 2021 in the care, control and custody of the Onondaga County Sheriff and/or the County of Onondaga.

From December 9, 2021, when arrested, until December 17, 2021 when he died, decedent was under the care, control and custody of Onondaga County and/or the Onondaga County Sheriff and incarcerated in the Onondaga County Justice Center.

On or about December 16, 2021 at about 11:30pm, decedent was observed by a Corrections Officer hanging by the neck. Decedent was then transported to an off-site medical facility where he was evaluated and pronounced dead.

8. In support of this claim, attached are copies of the following documents:

- a] Town of Cicero Arrest Report dated 12/09/2021 [redacted]
- b] Certificate of Death dated 12/21/2021 [redacted]
- c] Limited Letters of Administration dated 02/10/22 [redacted]
- d] Certificate of Marriage dated 01/04/2011 [redacted]

- e] Certificate of Birth Dated 12/21/2007 [redacted]
- f] Certificate of Birth Dated 11/23/2010 [redacted]
- g] Certificate of Birth Dated 11/16/2017 [redacted]
- h] Certificate of Birth Dated 12/11/2018 [redacted]
- I] Certificate of Birth Dated 08/13/2015 [redacted]

9. Items of damages or injuries:

Physical pain; emotional suffering; fear of death; agony; loss of spousal society, companionship, and services; loss of spousal and fatherly financial support; loss of fatherly love, services, and education; together with other general and special damages.

10. Claimants' further allege the circumstances of this claim justify punitive damages against the Onondaga County Sheriff and Onondaga County.

**PROOF OF SERVICE**

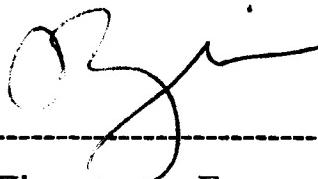
Aaron Zimmerman, Esq, being duly sworn does depose and say as follows

11. On March 4, 2022, this Claim and the attachments described herein have been tendered to the US Postal Service, in a sealed envelope, bearing sufficient postage, to be delivered by Certified mail, Return Receipt Requested, to:

Sheriff Eugene J. Conway  
Onondaga County Sheriff  
407 South State Street  
Syracuse, NY 13202

Robert A. Durr, Esq.  
Onondaga County Attorney, Department of Law  
John H. Mulroy Civic Center, 10<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202

Dated: March 4, 2021



Aaron Zimmerman, Esq.  
117 South State Street  
Syracuse, New York 13202  
[T] 315.475.7777  
[F] 315.475.4225  
[az@ZiPiLaw.com](mailto:az@ZiPiLaw.com)

Notary Public

On March 4, 2021, Aaron Zimmerman personally appeared before me proved his identity and upon being duly sworn did state that this Claim and Proof of Service is made by him, as one of the attorneys for and on behalf of Estate of Paul G. Watkins, and Lauren E. Valchine, individually and as natural guardian for Colton Watkins, Rosalia Watkins, Weston Watkins, Makayla Watkins, and Nathan Watkins, and he did say that the facts of this claim is true and accurate, except as to those facts stated to be upon informaion and beleif and as to those facts he believes them to be true, and he thereupon subscribed his signature.



ANDREW N. PIRAINO  
Notary Public, State of New York  
Qualified in Onondaga Co. No. 02PHJ804262  
My Commission Expires April 30, 2028

NYSCEF DOC NO Ca 4

Page 26 of 34

RECEIVED: NYSCEF: 02/16/2023

1. NYSD No. NY		2. OBTIS No.			New York State <b>ARREST REPORT</b>				3. Case No. 21-597376			4. Plat No.			5. FBI No. 21-A-320	6. Arrest No. 15 Cicero Police	7. Agency	8. Division/Unit Patrol 3202	9. Last Name Watkins	First Name Paul	MI G	Suffix None	10. Alias/Middle/Maiden Name (Last, First Middle) None	11. Phone Number (315) 720-3812				
DEPENDANT INFORMATION																												
12. Address # ██████████		Prefix ██████████		Street Name ██████████		Street Type ██████████		Suffix ██████████		Bldg # ██████████		Apt # ██████████		13. City North Syracuse		City/Town/Village North Syracuse		State NY		Zip 13212								
14. Resident Status Resident		15. Place of Birth Syracuse, NY		16. Date of Birth 01/01/1983		17. Age 38		18. Sex M		19. Race White		20. Ethnicity Non Hisp		21. Skin Light		22. Hgt 5' 09"		23. Weight 175										
24. Hair BLN		25. Eye GRN		26. Glasses No		27. Build Medium		28. Marital Status Married		29. U.S. Citizen Yes		30. Citizen of USA																
31. Social Security No. ██████████		32. Education 09		33. Relation Name		34. Occupation Laborer		35. Employed Yes		36. Scars/Arts/Tattoos (Describe) Rose On Neck																		
37. Arresting Officer S. Wallace		38. ID No. 0720		39. Assisting Officer J. Kazmirska		40. ID No./Agency 0785 15 Cicero Police		41. Arrest Date 12/09/2021		42. Time 08:46																		
43. Location of Arrest Town Cicero		Address No. 7790		Prefix ██████████		Street Name Frontage		Street Type RD		Suffix ██████████		Bldg # ██████████		Apt # ██████████														
State NY		Zip 13039		44. Juvenile No		45. Defendant Condition At Arrest Appeared Normal		46. Weapon(s) At Arrest None/Not Applicable		47. Co-defendant Arrest No.																		
48. Miranda No		49. Miranda By ██████████		50. Miranda Date 11		51. Miranda Time :		52. Statements None		53. State No		54. Search Warrant No		55. ID Procedure None														
56. Arraignment Court Cicero		57. Arraignment Judge Presiding		58. Date 12/09/2021		59. Time 08:00		60. Property No		61. Evidence No		62. Prosecuted by ██████████		63. Disposition														
64. Violent No. 15/21-597376		65. Arrestee Status Held		66. Bail Amount \$		67. Bondsmen		68. Photo No.		69. Arrest Type CIP		70. Warrant No.																
66. Arrest FOA No		70. Other Agency		71. F/F Taken Yes		72. Location of Offense Town Cicero		73. Return Date		74. Return Judge Residing		75. Return Date 12/09/21		76. Time 16:00														
77. Defendant/Case TOT Agency		78. Officer's Name		79. ID No.		80. Time :		81. Date 11																				
82. Law PL		Article & Section 21550		Sub 03		Class A		Category M		Degree 2		Attempt N		Offense Name Criminal Contempt		Crash		Age		Victim Sex		Handicap		Assoc No.		Type		



**On the Date Written Below LETTERS are Granted by the Surrogate's Court, State of New York as follows:**

**File #: 2022-18/A**

**Name of : Paul G. Watkins**

**Date of Death: December 17, 2021**

**Domicile of : County of Onondaga**

**Fiduciary Appointed: Lauren E Valchine**

**Mailing Address**  
[REDACTED]  
Baldwinsville NY 13027

**Letters Issued: LIMITED LETTERS OF ADMINISTRATION**

**Limitations:** Said administrator(s), in both his/her/their individual and fiduciary capacity/capacities as well as any attorney who represents him/her/them in either capacity/capacities, shall not collect or receive the proceeds from any action instituted or settled pursuant to the authority granted by these letters without the further order of this court or any court of competent jurisdiction pursuant to EPTL 5-4.6

THESE LETTERS, granted pursuant to a decree entered by the court, authorize and empower the above-named fiduciary or fiduciaries to perform all acts requisite to the proper administration and disposition of the estate/trust of the in accordance with the decree and the laws of New York State, subject to the limitations and restrictions, if any, as set forth above.

**Dated: February 10, 2022**

**IN TESTIMONY WHEREOF,** the seal of the Onondaga County Surrogate's Court has been affixed.

**WITNESS,** Hon Mary Keib Smith, Judge of the Onondaga County Surrogate's Court.

S/ Eileen A. Casey,  
Eileen A. Casey, Esq., Chief Clerk

**These Letters are Not Valid Without the Raised Seal of the Onondaga County Surrogate's Court**

**Attorney:**

**Laurence A. Wangerman**  
333 East Onondaga Street, Suite 4B  
Syracuse NY 13202


  
**\*L3950946\***
**CLAY**

District Name

3352

229

**New York State Department of Health****Certificate of Marriage Registration**

Local Register No.

*This is to certify that the persons identified below were married on the date and at the place specified as shown by the duly registered license and certificate of marriage on file in this office.*

**Groom's Name:** JAMES E. FALL

First

**MIDDLE:** CEDARD

Middle

**PREMARRIAGE SURNAME:**
 Check box if same as premarriage surname

New Surname (if applicable)

Residing at NORTH SYRACUSE, NYDate of Birth 12/11/1983

Month Day Year

Place of Birth SYRACUSE, NY

City, Town or Village/State or County

**Bride's Name:** LAUREN ELIZABETH VALCHINE

First

Middle

Premarriage Surname

Maiden Name

(if different from premarriage surname)

WATKINS
 Check box if same as premarriage surname

New Surname (if applicable)

Residing at NORTH SYRACUSE, NYDate of Birth 12/11/1982

Month Day Year

Place of Birth DARIEN IL

City, Town or Village/State or County

Date of Marriage 12/11/2010

Month Day Year

Place of Marriage ONONDAGA COUNTY CLERK'S OFFICE

City, Town or Village/County

**(SEAL)**Town or City Clerk CLAY CLERK OF THE COUNTY CLERK

01/04/2011

Month Day Year

 If checked, this marriage was a second or subsequent ceremony.

Do not accept this transcript unless the raised seal of the issuing locality is affixed thereto.

Any alteration invalidates this certificate.

See Reverse Side For A List of Security Features Used In This Form

DOH-130-0000

Recorded District

3361

Register Number

0927

**New York State Department of Health  
Vital Records Section**

**CERTIFICATE OF  
BIRTH**

State File Number:

131-2007-00918177

Infant		
1A. Name: First	Middle	Last
Nathan	Michael	Watkins

2A. Date of Birth:

[REDACTED] 2007

2B. Hour

8:51 AM

3. Sex

Male

4A. Birth Inc. (Single, Twins, etc.)

Single

4B. If Not Single, Birth Inc.

Parent	
5A. Locality of Birth:	5B. County of Birth:
Town of Onondaga	Onondaga

5B. County of Birth:  
Onondaga

Mother	
6A. Name: First	Middle
Amanda	Syvia
6B. Date of Birth:	6C. City & State of Birth (Country, If not U.S.A.)
[REDACTED] 1989	Syracuse, New York
7A. Residence, State (County, If not U.S.A.)	7B. County (Town or Prov., If not USA)
New York	Onondaga
7C. Locality:	7E. Incl. City/Village/Limit?
City of Syracuse	YES
7F. Street and Number of Residence:	7G. Zip Code:
[REDACTED]	13208
8A. Mailing Address:	8B. Zip Code:
[REDACTED], Syracuse, New York	13208

7E. Incl. City/Village/Limit?  
YES  
7G. Zip Code:  
13208  
8B. Zip Code:  
13208

Father	
9A. Name: First	Middle
Paul	Garard
9B. Date of Birth:	9C. City & State of Birth (Country, If not U.S.A.)
[REDACTED] 1983	Syracuse, New York
10A. Date Filing Date:	10B. Approved by:
March 05, 2007	November 24, 2007
11. I hereby declare that the foregoing was filed pursuant to the provisions of Public Health Law Section 87(2)(b).	

Peter M. Larmer  
Public Health Officer  
Director of Vital Records

Recorded District

3300

New York State Department of Health

# CERTIFICATE OF LIVE BIRTH

State File Number:

131-2010-00101614

Register Number

5814

INFANT

MOTHER

ATTENDANT

DOH-1863E (09/2009)

Recorded District
3300
Register Number
5814

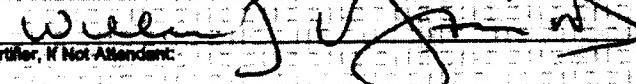
# CERTIFICATE OF LIVE BIRTH

State File Number:	
131-2010-00101614	

1A. Name: First Makayla	Middle Marie	Last Watkins
2A. Date of Birth: [REDACTED] 2010	2B. Hour: 11:43 AM	3. Sex: Female
4A. Birth Is: Single	4B. If Not Single, Birth Is: [REDACTED]	
5. Place of Birth: Hospital	6A. Facility Name: (Address, if Place of Birth is Other than Hospital / Birthing Center) Crouse Hospital	
6B. Locality of Birth: City of Syracuse	6C. County of Birth: Onondaga	

7A-1. Name: First Lauren	Middle Elizabeth	Current Last Name Vatchine
7A-2. Last Name on Birth Certificate: Matchine	7B. Date of Birth: [REDACTED] 1982	7C. City & State of Birth: (Country, if not U.S.A.) Derlanc, Minn.
8A. Residence, State: (Country, if not U.S.A.) New York	8B. County, State, or Prov., if not U.S.A. Onondaga	8D. Inside City/Village Limit? [REDACTED]
8C. Locality: Town of Clay	8F. Zip Code: 13212	8E. Zip Code: 13212
8G. Mailing Address: [REDACTED], North Syracuse, NY	8H. Zip Code: 13212	

9A-1. Name: First Paul	Middle Gerard	Current Last Name Watkins
9A-2. Last Name on Birth Certificate: Watkins	9B. Date of Birth: 05/04/1983	9C. City & State of Birth: (Country, if not U.S.A.) Syracuse, New York

10A. I certify that the stated information concerning this child is true to the best of my knowledge and belief. Signature: 	10B. Date Signed: 17 10 10
10C. Name of Certifier, If Not Attendant: LOFTUS WILLIAM JOSEPH	Title: M.D.
10D-1. NYS License Number (Certifier)	10E. Attendant's Name: SUZANNE H STILWELL
10F-1. NYS License Number (Attendant) 098002	11A. Registrar Name: [REDACTED]
11B. Signature of the Registrar: 	11C. Date Filed: NOV 12 2013

12. Information Added or Corrected Name No. [REDACTED] Date of Correction: [REDACTED] Authorization: Original Information
--

Recorded District  
3300

New York State Department of Health

State File Number:

Register Number  
*SUP 2***CERTIFICATE OF  
LIVE BIRTH**

131-2017-00088960

**IMPANT**1A. Name: First  
WestonMiddle  
MartinLast  
Watkins2A. Date of Birth:  
[REDACTED], 20172B. Hour:  
1:35 AM3. Sex:  
Male4A. Birth Is:  
Single

4B. If Not Single, Birth Is:

5A. Place of Birth:  
Hospital5A. Facility Name: (Address, if place of birth is other than Hospital / Birthing Center)  
Upstate University Hospital at Community General5B. Locality of Birth:  
Town of Onondaga5C. County of Birth:  
Onondaga**MOTHER**7A-1. Name: First  
LaurenMiddle  
ElizabethCurrent Last Name  
Valentine7A-2. Last Name on Birth Certificate:  
Valentine7B. Date of Birth:  
[REDACTED]7C. City & State of Birth (Country, if not U.S.A.)  
Orono, Minnesota7A-3. Residence, State, (Country, If Not U.S.A.)  
New York7D. County, City or Town, Post O.S.A.  
Onondaga7E. Locality:  
Town of Lysander

7E. Home City/Mail City?

7F. Street and Number of Residence:  
[REDACTED]7F. Zip Code:  
130277G. Mailing Address:  
[REDACTED] Bathgateville, NY7H. Zip Code:  
13027**FATHER**8A-1. Name: First  
PaulMiddle  
GerardCurrent Last Name  
Watkins8A-2. Last Name on Birth Certificate:  
Watkins8B. Date of Birth:  
05/04/19838C. City & State of Birth (Country, if not U.S.A.)  
Syracuse, New York

10A. I certify that the stated information concerning this child is true to the best of my knowledge and belief.

Signature: *[Signature]*

10C. Name of Certifier, If Not Attendant:

10E. Attendant's Name:

LOUGHIN BARBARA J

11A. Registrar Name:

RUTH ANN RIPSON

10B. Date  
Signed: *1/10/2013*10D-1. NYS License Number:  
[REDACTED]10E-1. NYS License Number:  
[REDACTED]

12. Information Added or Corrected:

Item No.: Date of Correction

Authorization

Original Information

DOH-13027-00088960

3300

Register Number

6224

# CERTIFICATE OF LIVE BIRTH

131-2018-00100211

1. Name: <b>Fay Rosella</b>			
2A. Date of Birth: <b>2000</b>			
3. Place of Birth: <b>Hospital</b>			
4B. Authority of Birth: <b>State of Oklahoma</b>			
5. Name of Hospital: <b>OSU Medical Center</b>			
6. Name of Physician: <b>Dr. [Redacted]</b>			
7. Name of Midwife: <b>[Redacted]</b>			
8. Name of Hospital: <b>OSU Medical Center</b>			
9. Name of Physician: <b>Dr. [Redacted]</b>			
10. Name of Hospital: <b>OSU Medical Center</b>			
11. Name of Physician: <b>Dr. [Redacted]</b>			
12. Information about the Certificate: Name No. <b>001363/2023</b>			
<p style="text-align: center;"><i>Clerk</i></p>			

NYSCEF DOC. NO. 4

Recorded District:

3300

New York State Department of Health

State File Number:

Register Number:

373)

# CERTIFICATE OF LIVE BIRTH

131-2015-00003095

1A. Name: First Colton	Middle Garrett	Last Watkins
2A. Date of Birth: 000000 2015	2B. Hour: 6:42 PM	3. Sex: Male
4A. Place of Birth: Hospital	5A. Facility Name: (Address, if Prince of Birth in Other Box) / County/City/Country Crouse Hospital	4B. Birth Inc. Single
6A. Mother's Address: City or Syracuse	7A. Father's Address: (Address, if Prince of Birth in Other Box) / County/City/Country New York	

7A-1. Last Name on Birth Certificate: Watkins	7B. Date of Birth: 00000000	7C. City & State of Birth / Country, Post U.S.A. Dobbs Ferry, New York
7D. Mother's Maiden Name (Address, if Prince of Birth in Other Box) / County/City/Country Watkins		
7E. Father's Maiden Name (Address, if Prince of Birth in Other Box) / County/City/Country Watkins		
7F. Social Security Number 123-45-6789		
7G. Current Last Name Watkins		

8A. Name: First Paul	Middle Garrett	Last Watkins
9A-1. Last Name on Birth Certificate: Watkins	9B. Date of Birth: 00000000	9C. City & State of Birth / Country, Post U.S.A. Dobbs Ferry, New York

10A. I certify that the above information is true and correct to the best of my knowledge and belief. Signature: <i>Ruth Ann Watkins</i>	10B. Date 03/21/23
11A. Is this a copy of a certificate of birth? If Not Attached, attach original. Signature: <i>Ruth Ann Watkins</i>	11B. Date 03/21/23
12A. Is this a copy of a certificate of death? If Not Attached, attach original. Signature: <i>Ruth Ann Watkins</i>	12B. Date 03/21/23
13A. Is this a copy of a certificate of adoption? If Not Attached, attach original. Signature: <i>Ruth Ann Watkins</i>	13B. Date 03/21/23
14A. Is this a copy of a certificate of stillbirth? If Not Attached, attach original. Signature: <i>Ruth Ann Watkins</i>	14B. Date 03/21/23